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February 1, 2011

VIA ECF

Honorable Roanne L. Mann
United States Magistrate Judge
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

RE: *In the Matter of the Petition of North East Marine, Inc., As Owner of the Tug ELENA, a 35' Deck Barge and a 40' Deck Barge, For Exoneration from and Limitation of Liability*
United States District Court – Eastern District of New York
Case No.: 09 Civ. 5600 (Amon, J.)(Mann, M.J.)
Your Ref. No.: OAA 660356
Our File No.: 10000530 DRH/GSR

Dear Judge Mann:

This firm represents petitioner North East Marine Inc., as Owner of the Tug ELENA, a 35' Deck Barge and a 40' Deck Barge ("North East"), in the above-referenced limitation proceeding. We submit this letter pursuant to the Court's Order to Show Cause as to why fact and expert discovery should not be declared ended.

We apologize for our failure to comply with the Court's scheduling order concerning the discovery deadlines. At times, this office had significant difficulties obtaining records and information from our client. As a result, there were some delays in responding to discovery and making Mr. Guillet, the principal of North East, available for deposition. We were very recently advised that this was because Mr. Guillet had suffered a stroke in late 2010. This required us (as well as the other parties) to engage in fact discovery beyond the Court's November 18, 2010, deadline. Mr. Guillet was eventually produced for deposition in December 2010.

Furthermore, with respect to expert discovery, no disclosures were produced by respondent/claimant Boody by the December 29, 2010 deadline. As a result, no experts were retained by North East.

We regret failing to advise the Court of the parties' need to conduct discovery after the fact discovery deadline. We will abide to the Court's decision whether to declare discovery concluded as to all parties.

We thank the Court for its time and consideration to this matter.

Respectfully submitted,

NICOLETTI HORNIG & SWEENEY

By: /s/

David R. Hornig

GSR/DRH/lr

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